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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LEWIS, BRISBOIS, BISGAARD)
& SMITH, LLP,)
)
PLAINTIFF,) CIVIL ACTION NO:
) 4:22-CV-3279
VS.)
)
MICHAEL JOSEPH BITGOOD)
a/k/a "MICHAEL EASTON," ET)
AL,)
)
DEFENDANTS.)

ORAL AND VIDEOTAPED DEPOSITION OF

SUSAN C. NORMAN

July 26, 2023

VOLUME 1 OF 2

ORAL DEPOSITION OF SUSAN C. NORMAN, produced as a
witness at the instance of the PLAINTIFF, and duly
sworn, was taken in the above-styled and numbered cause
on July 26, 2023 from 10:47 a.m. to 3:00 p.m., before
Allison Garrett, CSR in and for the State of Texas,
reported by machine shorthand, at Lewis, Brisbois,
Bisgaard & Smith, 24 Greenway Plaza, Suite 1400,
Houston, Texas 77046, pursuant to the Federal Rules of
Civil Procedure and the provisions stated on the record
or attached hereto.

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1 MR. FISHER: Yes.

2 MR. BITGOOD: Thank you, sir. Okay.

3 Formation, assumed name certificate. I've got it.

4 Thank you, Mr. Fisher. I appreciate your patience.

5 Q. (BY MR. FISHER) Ms. Norman?

6 A. Yes. Under the rule of optional completeness,
7 Exhibit 39 goes with Document 10 as previously stated.

8 This document, Exhibit 40, in this case is

9 Document 10-35. It's Page 1 of 2. The front says

10 "Assumed Name Certificate For Filing With the Secretary

11 of State." The assumed name is Lewis, Brisbois,

12 Bisgaard & Smith filed on March -- excuse me, May 31st,

13 2022.

14 Q. I'm going to ask you to look at the top band
15 next to the Office of the Secretary of State corporation
16 section and take a look at the date just for accuracy,
17 the date of the filing. It says "Filed in the Office of
18 the Secretary of State"?

19 A. Yes, it does, June 1st, 2022.

20 Q. Okay. So you'll agree with me that the
21 Secretary of State received or recognized the date of
22 filing of this document as June 1, 2022?

23 A. That's what this document says.

24 MR. BITGOOD: Ms. Norman, give me a chance
25 to object. I object to the form. The document speaks

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1 for itself. It says June '22.

2 Q. (BY MR. FISHER) All right. Take a look at
3 Number 2. And it says the name of the entity as stated
4 in its certificate is -- and can you read that out loud?

5 A. Lewis, Brisbois, Bisgaard & Smith, LLP.

6 Q. And is the spelling the same as the spelling of
7 Lewis, Brisbois, Bisgaard & Smith on Exhibits 38 and 39?

8 A. Yes, it is.

9 Q. Is there a -- and this is -- this is a
10 partnership that you formed?

11 A. It was a partnership of which I was a member.

12 Q. Okay. Who were the other members?

13 A. Michael Joseph Bitgood.

14 Q. Okay. And in that firm, is there a Lewis,
15 anybody named Lewis?

16 A. No.

17 Q. Okay. Is there anybody named Brisbois?

18 A. No.

19 Q. Is there anybody named Bisgaard?

20 A. No.

21 Q. Is there anybody named Smith?

22 A. No.

23 Q. Okay. Now, take a look at Number 5 and
24 describe the type of entity on this assumed name
25 certificate.

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1 MR. FISHER: Objection, nonresponsive.

2 Q. (BY MR. FISHER) Can you -- so you're saying --
3 I'm trying to understand why you formed -- why you went
4 into business with Mr. Bitgood, and I didn't really
5 understand that answer.

6 A. That is my answer.

7 Q. Okay. Why did you use the name Lewis,
8 Brisbois, Bisgaard & Smith?

9 A. Because when I found out on March the 11th or
10 12th of 2022 that the foreign LLP was not authorized to
11 do business in Texas and yet was appearing in Texas
12 courts purportedly representing the defendant,
13 particularly the purported business defendant, the name
14 was -- appeared available.

15 Q. Okay. So why not use Fulbright and Jaworski?
16 Nobody's using that.

17 A. I didn't look up Fulbright and Jaworski.

18 Q. Okay. Why did you look up Lewis, Brisbois,
19 Bisgaard & Smith?

20 A. Because it has -- interestingly enough, I have
21 found multiple entities which have lost their right to
22 do business in Texas as your firm did multiple times in
23 Texas and as your firm has done throughout the United
24 States in multiple jurisdictions where it operates when
25 its right to do business has been lost.

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1 Q. Under Texas law, what's the sanction for late
2 filing a reregistration or authority to do business in
3 Texas under Texas law?

4 A. Well, I know -- okay. I think that's actually
5 the wrong question. The right question is: What is the
6 sanction for doing business in Texas under a name that
7 you are not authorized by the Texas Secretary of State
8 to use and it's a criminal offense?

9 Q. Okay. So why didn't you report it as a crime
10 instead of taking the name?

11 MR. BITGOOD: Objection, assumes a fact not
12 in evidence. How would you know she didn't report it?

13 MR. FISHER: Please limit your objections
14 to form under the rules.

15 MR. BITGOOD: Form.

16 A. I didn't -- it didn't -- it didn't occur to me
17 to report it as a crime.

18 Q. (BY MR. FISHER) You just said it was a crime.

19 A. It is a crime.

20 Q. So why didn't you report it? You're a lawyer.

21 A. I didn't.

22 Q. Okay. Now, of all the names you could have
23 picked, why did you pick Lewis, Brisbois, Bisgaard &
24 Smith for your new business venture?

25 A. It was -- I can't give you that answer.

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1 Q. Why not?

2 A. Because there were a lot of considerations that
3 went into this name, partly which included the fact that
4 you're taking action against -- representing people who
5 were taking action against minorities, representing
6 people who are taking action against minorities
7 illegally, and it seemed that why not?

8 Q. When's the first time you heard the name of the
9 law firm Lewis, Brisbois, Bisgaard & Smith?

10 A. I believe it was when your managing partner who
11 allowed the name to be expired and not authorized to do
12 business in Texas filed an answer on behalf of the
13 defendant entity and several individuals in the state
14 court case in Fort Bend County, which -- the loss of
15 which for your firm generated this September 23rd filing
16 ten days after they lost in court.

17 Q. Well, let me -- give me a date. I want to know
18 the first date. If you're just referencing whenever
19 that answer was filed in county court in Fort Bend
20 County, was it January of 2022? Was it February?

21 A. It was March the 11th -- I believe it was March
22 the 11th, 2022.

23 Q. Okay. So March 11th, 2022, was when you first
24 heard the name Lewis, Brisbois, Bisgaard & Smith?

25 A. There may have been an e-mail from David Oubre,

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1 A. 1990.

2 Q. With respect to the partnership between you and
3 Mr. Bitgood that was formed in -- well, it was formed in
4 May of 2022?

5 A. Yes, sir.

6 Q. Okay. Did either of you put up any money or
7 capital into the partnership?

8 A. I know that I didn't.

9 MR. BITGOOD: Object to form.

10 Q. (BY MR. FISHER) You did not?

11 A. No.

12 Q. Okay. Who kept the books and records of the
13 partnership?

14 A. Mr. Bitgood.

15 Q. Okay.

16 A. To the extent that there were any.

17 Q. Who paid for the post office box at the -- I
18 think it's a UPS Store?

19 A. I know that I did not.

20 Q. Okay. Do you know if anybody did?

21 A. I don't know that independently, no, sir.

22 Q. You never asked Mr. Bitgood?

23 A. No.

24 Q. He never asked you for any money to contribute
25 to the partnership?

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1 A. No.

2 Q. Whose idea was it to form that partnership?

3 A. I don't know if it was his idea or if it was
4 mutual.

5 Q. Okay. Have you been a party to any other
6 lawsuits?

7 A. Yes.

8 Q. Can you tell me about them?

9 A. No, sir.

10 Q. Why not?

11 A. Whatever lawsuits I may have been a party to
12 are public record, so --

13 Q. Well, tell me what city or county those
14 lawsuits were in and then I can look them up on public
15 record.

16 A. Harris County. Harris County.

17 Q. All of them?

18 A. May have been Fort Bend County as well.

19 Q. How many times have you been a party to a
20 lawsuit?

21 MR. BITGOOD: Object to form.

22 A. Objection, form. Probably two or three.

23 Q. (BY MR. FISHER) Okay. What types of lawsuits?

24 A. I've been party to lawsuits by the state bar,
25 all of which were dismissed except -- except one as far

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1 as Exhibit Number 2.

2 (Exhibit 2 marked.)

3 Q. (BY MR. FISHER) You can confirm to me that
4 that's a two-page document that are e-mails from you to
5 Mr. Easton?

6 A. Document 173 filed on May 22nd, 2023. It's
7 Page 13 of 81. This page appears to be response to
8 request for production 5/22/23, Page 2 and 3 of 50. It
9 says, "Subject: Lewis Bobo still expired. Attachments:
10 2022 05-02 - Lewis Bobo still expired at 12-34 p.m.pdf."

11 Q. Okay. And why did you send that e-mail to
12 Mr. Easton?

13 A. Because I continually checked to see if you --
14 the Texas Secretary of State showed that your firm had
15 renewed its business -- it's authority to do business in
16 Texas. And according to the Texas Secretary of State,
17 it had not as of March -- May 22nd, 2023.

18 Q. Okay. And you thought that gave you
19 permission, then, to use the name Lewis, Brisbois,
20 Bisgaard & Smith?

21 A. Yes.

22 MR. BITGOOD: Let me know when you're going
23 to make an objection, Ms. Norman, before you blurt out
24 another answer.

25 MR. FISHER: Mr. Easton, once again, please

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1 Secretary of State backdated it to the date of the
2 receipt of the paper filing.

3 Q. All right. I'm going to ask it a different
4 way, then. Yes or no, as of June 9th 2022, you knew
5 that Lewis, Brisbois, Bisgaard & Smith, LLP, a law firm
6 who was organized under the state laws of California,
7 had renewed its registration to do business and
8 authority to do business/request for authority to do
9 business in the state of Texas, yes or no?

10 A. I'm going to object to form. And I'm going to
11 say subject to that objection, the Secretary of State
12 backdated the receipt to --

13 Q. All right.

14 MR. FISHER: Objection, nonresponsive.

15 Q. (BY MR. FISHER) That wasn't my question. My
16 question was: As of June 9th, you knew that Lewis,
17 Brisbois, Bisgaard & Smith had renewed its registration
18 for authority to do business in Texas?

19 A. Objection, form. The answer is yes.

20 Q. Okay. What's your objection?

21 A. My objection is that Secretary of State
22 backdating a paper copy does not obviate the fact that
23 the Texas LLP had been filed and accepted by the
24 Secretary of State.

25 Q. I didn't ask you that question.

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1 A. Okay. That's my explanation for my answer.

2 Q. I only asked you if you knew as of June 9th
3 that Lewis, Brisbois, Bisgaard & Smith had authority to
4 do business. It might have been as of March 28th, but I
5 didn't ask you that question. My question is when did
6 you know that Lewis, Brisbois, Bisgaard & Smith had
7 authority to do business in the state of Texas again?

8 A. Now, to that question, I can say June 9th.

9 Q. 2022?

10 A. 2022.

11 Q. Okay. I'm going to hand you what we've marked
12 as Exhibit 11.

13 (Exhibit 11 marked.)

14 A. Okay.

15 Q. (BY MR. FISHER) And ask you to identify that
16 e-mail for the record.

17 A. It's also part of Document 173. It is an
18 e-mail sent Thursday, October 6th, 2022, at 9:00 p.m. to
19 East Pro Law, subject: Sec state letter, attachments:
20 2022 10-06 SCN letter Secretary of State.

21 Q. Okay. What does that mean, SCN letter?

22 A. Susan C. Norman.

23 Q. Okay. And the 10-6 is the date, October 6th?

24 A. That's correct.

25 Q. All right. Why did you send this letter to

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1 A. Would you say that again?

2 MR. FISHER: Can you read that back?

3 (Requested portion was read.)

4 A. That's incorrect.

5 Q. (BY MR. FISHER) You testified earlier that you
6 knew of this law firm when an answer was filed in March
7 of 2022 in a case that involves the Imperial Lofts.

8 A. I knew that, yes.

9 Q. Okay. And so that was the point of my
10 question. That's what I thought I asked is that as of
11 June 15th when you referenced Lewis Brisbois as being
12 phony, you knew that the law firm Lewis, Brisbois,
13 Bisgaard & Smith existed by that time. For at least
14 three months you knew that, and yet, you filed this
15 pleading regardless?

16 MR. BITGOOD: Objection, form.

17 A. Objection --

18 MR. BITGOOD: Objection, form. Are we
19 having a Rule 13 sanctions hearing?

20 A. I'm focusing on the words "voluntarily gave up
21 its right to do business in Texas under that name when,
22 despite repeated warnings from the Secretary of State
23 directed at Oubre and its California office to renew,
24 Oubre did nothing, as the Secretary of State allowed him
25 to surrender the name and allowed the foreign LLP to

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LEWIS, BRISBOIS, BISGAARD)
& SMITH, LLP,)
PLAINTIFF,) CIVIL ACTION NO:
VS.) 4:22-CV-3279
MICHAEL JOSEPH BITGOOD)
a/k/a "MICHAEL EASTON," ET)
AL,)
DEFENDANTS.)

REPORTER'S CERTIFICATION
DEPOSITION OF SUSAN C. NORMAN
JULY 26, 2023

I, Allison Garrett, Certified Shorthand Reporter in
and for the State of Texas, hereby certify to the
following:

That the witness, SUSAN C. NORMAN, was duly sworn
by the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

I further certify that pursuant to FRCP Rule
30(e)(1) that the signature of the deponent:

XXX was requested by the deponent or a party before
the completion of the deposition and is to be returned
within 30 days from the date of receipt of the
transcript. If returned, the attached Changes and

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1 Signature Page contains any changes and the reasons
2 therefor;

3 ____ was not requested by the deponent or a party
4 before the completion of the deposition.

5 I further certify that I am neither counsel for,
6 related to, nor employed by any of the parties or
7 attorneys in the action in which this proceeding was
8 taken. Further, I am not a relative or employee of any
9 attorney of record in this cause, nor am I financially
10 or otherwise interested in the outcome of the action.

11 Certified to by me this 21st day of July, 2023.

12 
13
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